(b) if so, the details thereof?

THE MINISTER OF TEXTILES (SHRI SYED SHAHNAWAZ HUSSAIN): (a) No, Sir.

(b) Does not arise.

Arrest of women during night hours

*237. SHRI A. VIJAYARAGHAVAN:
DR. AKHILESH DAS:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether existing rule/law permits arrest of women during night hours by policemen without presence of women police;

(b) if so, the details thereof;

(c) whether a recent judgment of the Supreme Court has allowed the arrest of women during night hours without presence of women police;

(d) whether any representation has been submitted against the above order of the Supreme Court; and

(e) if so, whether competent authority propose to initiate various measures to ensure that women are not arrested during night hours without presence of women police?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): (a) to (e) The Code of Criminal Procedure, 1973 does not specifically provide that presence of women police is necessary while arresting women during night hours by policemen. However, the Supreme Court in its judgment dated 15th October, 2003 in Criminal Application No. 508 of 1996 with the Criminal Application No. 509 of 1996 in the case of the State of Maharashtra Vs. Christian Community Welfare Council of India and others have issued directions to the arresting authority that while arresting a female person, all efforts should be made to keep a lady constable present but in circumstances where the arresting officers is reasonably satisfied that such presence of a lady constable is not available or possible and/or the delay in arresting caused by securing the presence of a lady constable would impede the course of investigation such arresting officer for reasons to be recorded either before the arrest

or immediately after the arrest be permitted to arrest a female person for lawful reasons at any time of the day or night depending on the circumstances of the case even without the presence of a lady constable.

The Code of Criminal Procedure (Amendment) Bill, 1994 introduced in Rajya Sabha has *inter alia*, a proposal to add a new sub-section (4) to section 46 Cr. P.C. to prohibit arrest of a women after sunset and before sunrise except in unavoidable circumstances.

Death penalty for rapists

*238. SHRI S.P.M. SYED KHAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a proposal to provide death as one of the penalties for the offence of rape, is still under consideration of the Government; and

(b) if so, the status of the proposal?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): (a) and (b) the Rape Laws have exhaustively been reviewed by the Law Commission of India which has recommended amendments to the Procedural and Penal laws. Death as a sentence for rape has not been recommended. Therefore, the Government has deferred its proposal for amending the Indian Penal Code to provide death as one of penalties for the offence of rape.

The Malimath Committee, which submitted its report on reforming the Criminal Justice System, also expressed themselves against death sentence for the offence of rape.

Scheme for revival of National Textile Corporation mills

†*239. SHRI KAPIL SIBAL:
SHRI LAJPAT RAI:

Will the Minister of TEXTILES be pleased to state:

(a) whether it is a fact that a scheme worth Rs. 3,383 crores has been worked out for the revival of certain mills of the National Textile Corporation;

†Original notice of the question was received in Hindi.